

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AYANNA McELRATH, et al.,) CASE NO. 1:16 CV 2907
Plaintiffs,)
vs.) JUDGE DAN AARON POLSTER
CITY OF CLEVELAND, et al.,)
Defendants.) OPINION AND ORDER

This case is before the Court upon “Plaintiffs Motion to Supplement their Motion to Alter or Amend the Judgment (Doc #: 398) or, in the Alternative, for Relief from Final Judgment Pursuant to Fed. R. Civ. P. 60(b).” (**Doc #: 69.**) On February 9, 2018, the Court issued an Opinion and Order granting the Motion for Sanctions filed by Defendants and dismissed the case with prejudice. (Doc #: 67.) Plaintiffs now ask the Court to alter or amend its judgment under Rule 59(e) or for relief from final judgment under Rule 60(b). For the following reasons, the Motion is **DENIED**.

I.

A motion to alter or amend judgment under Federal Rule of Civil Procedure 59(e) may only be granted if there is “a clear error of law, newly discovered evidence, an intervening change in controlling law, or to prevent manifest injustice.” *Urso v. Farley*, No. 4:12 CV 1261, 2013 WL 5309111, at *1 (N.D. Ohio Sep. 19, 2013) (citing *GenCorp, Inc. v. Am. Int’l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999)). It may not be used to “relitigate issues already decided or matters that could have been raised earlier.” *Id.* (citing *Leisure Caviar, LLC v. U.S. Fish and Wildlife Serv.*, 616 F.3d 612, 616 (6th Cir. 2010)). Plaintiffs, who have spent 21 pages

making little sense at all, have not cited a clear error of law, newly discovered evidence, or an intervening change in controlling law upon which the Court may alter its judgment. They have failed to show manifest injustice.

Rule 60(b) requires a showing of “exceptional or extraordinary circumstances.” *Horton v. Sheets*, No. 2012 WL 3777431 (S.D. Ohio Aug. 30, 2012) (citing *Taylor v. Streicher*, 469 Fed. App’x 467, 468 (66h Cir. 2012)). There are no exception or extraordinary circumstances justifying relief from the Court’s judgment.

Plaintiffs state, “Your honor and defendants kinship seems to be showing again.” (Doc #: 69 at 5.) The Court reminds Plaintiffs, who are representing themselves, that it denied Defendants’ Motion to Dismiss five of their claims. (Doc #: 30.)

II.

For these reasons, Plaintiffs’ Motion (**Doc #: 69**) is **DENIED**.

IT IS SO ORDERED.

/s/ Dan A. Polster February 26, 2018

Dan Aaron Polster
United States District Judge